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Examiner Trinh T. Nguyen Art Unit: 3644	U.S. Patent and Trademark Office Alexandria, VA	571-273-8300	571-272-6906

TOTAL NO. OF PAGES	6 (including cover page)
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CLIENT/MATTER NAME	U.S. Patent Appln. No. 10,694,654
CLIENT/MATTER NO.	364106/0344

## MESSAGE

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Response To Election Of Species Requirement (4 pgs.)

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MAR 21 2006

Docket No.  
364106/0344

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Lynn Irwin, et al.

Group Art Unit: 3644

Application No.: 10/694,654

Examiner: Trinh T. Nguyen

Filed: October 27, 2003

For: **CAGE AND RACK SYSTEM FOR HOUSING ANIMALS  
IN CAGES HAVING DIFFERENT WIDTHS**

Date: March 21, 2006

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Commissioner for Patents  
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Alexandria, Virginia 22313-1450

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(Signature)

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MAR 21 2006

Docket No.:  
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SBP/JL**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**Commissioner for Patents  
P.O. 1450  
Alexandria, VA 22313-1450

Sir:

In response to the election of species requirement in the Office Action of February 21, 2006 ("Office Action"), Applicants respectfully submit the following:

In the February 21, 2006 Office Action, the Examiner pointed out that although Applicants had elected the species of Figures 6-10 and 16, Applicants had misidentified those Figures as Species I. The Examiner also requested an election between Species A and B and between Species 11 and 22.

**Misidentified Species of Figures 6-10 and 16: Ventilated Cage and Rack System**

As a preliminary matter, in the Response dated December 2, 2005, Applicants correctly elected the species corresponding to Figures 6-10 and 16, but inadvertently misidentified the species being elected (Figures 6-10 and 16) as Species I. The November 22, 2005 Office Action

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Response to Office Action dated February 21, 2006

identified Figures 6-10 and 16 as corresponding to Species II. Applicants respectfully confirm their intention to elect Species II, which was defined as corresponding to Figures 6-10 and 16. Applicants respectfully submit that claims 1-36 read on Species II.

**Provisional Election Between Species A and B: Cage Top:**

Applicants provisionally elect Species B, defined by the Office Action as corresponding to Figures 11, 12A-12B, 13A-C, 14A-B and 15A-C, which Applicants respectfully submit is read on by claims 17 and 36. However, Applicants respectfully submit that of the non-withdrawn claims, claims 17 and 36 read on Species A, and claims 17 and 36 read on Species B. Therefore, claims 17 and 36 are generic to both Species A and B. Those skilled in the art would appreciate that claims 17 and 36 can be read on Figure 5 as well as Figures 6-10 and 16, which the Office Action defined as Species A and B, respectively. Furthermore, because claims 17 and 36 read on both Species A and B, generic claims 17 and 36 require no material element in addition to those required by the claims reading on Species A and B, and all the claims reading on Species A and all the claims reading on Species B require all the limitations of generic claims 17 and 36, in accordance with the guidelines at MPEP §806.04(d).

Accordingly, Applicants respectfully object to and request modification of the assertion in the Office Action that no claims are generic, to state that claims 17 and 36 are generic to both Species A and B.

Applicants further respectfully submit that there may or may not be withdrawn claims drawn to Species A and/or B, which Applicants will not address because it is unnecessary at this time.

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**Provisional Election Between Species 11 and 22: Diet Delivery Module:**

Applicants respectfully submit that the election requirement between Species 11: Figures 17-19 and Species 22: Figures 20-24 is improper at this time because the election involves alleged species that do not correspond to the elected group of claims. Accordingly, Applicants respectfully request withdrawal of the election requirement between Species 11 and 22.

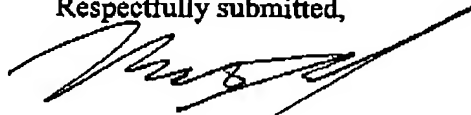
Nevertheless, in the interest of expediting prosecution, and to insure this response is complete, Applicants provisionally hereby elect Species 11. Applicants respectfully submit that claims 37-50 and 52-57, all of which are withdrawn, read on Species 11. Applicants respectfully submit that because Species 11 and 22 represent embodiments that are read upon only by unelected claims, the merits of the election requirement need not be discussed at this time. Accordingly, Applicants reserve the right to discuss the election requirement, including traversing the election requirement, identifying generic claims, etc., at a later time, either during prosecution of the current application or of a divisional application.

No fees are believed to be due in connection with the filing of this paper. Nevertheless, if the Commissioner deems any fee to be now or hereafter due, the Commissioner is authorized to charge that fee to Deposit Account No. 19-4709.

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Favorable consideration and prompt allowance of this application are respectfully requested. In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,



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